

AN ACT concerning aging.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Elder Abuse and Neglect Act is amended by adding Section 15 as follows:

(320 ILCS 20/15 new)

Sec. 15. Elder abuse fatality review teams.

(a) In this Section, "review team" means a regional interagency elder abuse fatality review team established under this Section.

(b) The Department, or any other State or county agency with Department approval, may establish regional interagency elder abuse fatality review teams (i) to assist local agencies in identifying and reviewing suspicious deaths of elderly victims of alleged, suspected, or substantiated abuse or neglect in domestic living situations and (ii) to facilitate communications between officials responsible for autopsies and inquests and persons involved in reporting or investigating alleged or suspected cases of abuse, neglect, or financial exploitation of persons 60 years of age or older. Each such team shall be composed of representatives of entities and individuals including, but not limited to, the Department on Aging, coroners or medical examiners (or both), State's

Attorneys, local police departments, forensic units, and providers of services for persons 60 years of age or older in domestic living situations.

(c) A review team shall review cases of deaths of persons 60 years of age or older in domestic living situations (i) involving blunt force trauma or an undetermined manner or suspicious cause of death, (ii) if requested by the deceased's attending physician, (iii) upon referral by a health care provider, or (iv) constituting an open or closed case from a senior protective services agency, law enforcement agency, or State's Attorney's office that involves alleged or suspected abuse, neglect, or financial exploitation. A team may also review other cases of deaths of persons 60 years of age or older if the alleged abuse or neglect occurred while the person was residing in a domestic living situation.

A review team shall meet not less than 6 times a year to discuss cases for its possible review. Each review team, with the advice and consent of the Department, shall establish criteria to be used by review teams in discussing cases of alleged, suspected, or substantiated abuse or neglect for review.

(d) Any document or oral or written communication shared within or produced by a review team relating to a case discussed or reviewed by the review team is confidential and is not subject to disclosure to or discoverable by another party.

Any document or oral or written communication provided to a

review team by an individual or entity, and created by that individual or entity solely for the use of the review team, is confidential and is not subject to disclosure to or discoverable by another party.

Each entity or individual represented on an elder abuse fatality review team may share with other members of the team information in the entity's or individual's possession concerning the decedent who is the subject of the review or concerning any person who was in contact with the decedent, as well as any other information deemed by the entity or individual to be pertinent to the review. Any such information shared by an entity or individual with other members of a team is confidential. The intent of this paragraph is to permit the disclosure to members of a team of any information deemed confidential or privileged or prohibited from disclosure by any other provision of law. Release of confidential communication between domestic violence advocates and a domestic violence victim shall follow subsection (d) of Section 227 of the Illinois Domestic Violence Act of 1986 which allows for the waiver of privilege afforded to guardians, executors, or administrators of the estate of the domestic violence victim. This provision relating to the release of confidential communication between domestic violence advocates and a domestic violence victim shall exclude adult protective service providers.

A coroner's or medical examiner's office may share with a

review team medical records that have been made available to the coroner's or medical examiner's office in connection with that office's investigation of a death.

(e) A review team's recommendation in relation to a case discussed or reviewed by the review team, including, but not limited to, a recommendation concerning an investigation or prosecution in relation to such a case, may be disclosed by the review team upon the completion of its review and at the discretion of a majority of its members who reviewed the case.

(f) The Department, in consultation with coroners, medical examiners, and law enforcement agencies, shall use aggregate data gathered by review teams and review teams' recommendations to create an annual report and may use those data and recommendations to develop education, prevention, prosecution, or other strategies designed to improve the coordination of services for persons 60 years of age or older and their families. The Department or other State or county agency, in consultation with coroners, medical examiners, and law enforcement agencies, also may use aggregate data gathered by review teams to create a database of at-risk individuals.